

ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
THOMAS J. DOUGHERTY, JR.
JAMES G. ENNIS
PAUL J. FELDMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
LONNA M. THOMPSON
KATHLEEN VICTORY*
HOWARD M. WEISS
*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

P. O. BOX 33847

WASHINGTON, D.C. 20033-0847

(703) 812-0400 • (202) 828-5700

TELECOPIER

(703) 812-0486 • (202) 828-5786

April 15, 1993

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OFFICE OF THE SECRETARY

PAUL D.P. SPEARMAN
(1936-1982)
FRANK ROBERSON
(1936-1981)

RETIRED

RUSSELL ROWELL
JOHN J. NEHEAN
ROBERT L. HEALD
MARK D. FLETCHER

OF COUNSEL

EDWARD A. CAINE

TELECOMMUNICATIONS CONSULTANT

HON. ROBERT E. LEE

WRITER'S NUMBER

(703) 812-

0480

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: CC Docket No. 92-297

Dear Ms. Searcy:

On behalf of Digital Microwave Corporation, we are filing an original and eleven (11) copies of Reply Comments in the above-referenced rule making proceeding.

If there are any questions, please communicate with us.

Respectfully submitted

FLETCHER, HEALD & HILDRETH

Leonard Robert Raish

Leonard Robert Raish
Counsel for Digital Microwave
Corporation

LRR:cej
Enclosures

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BEFORE THE

Federal Communications Commission

APR 15 1993

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Rulemaking to Amend Part 1 and Part 21)
of the Commission's Rules to Redesignate)
the 27.5 - 29.5 GHz Frequency Band and)
to Establish Rules and Policies for)
Local Multipoint Distribution Service)CC Docket No. 92-297 /
RM-7872; RM-7722

To: The Commission

REPLY COMMENTS OF DIGITAL MICROWAVE CORPORATION

Digital Microwave Corporation ("DMC"), through its attorney, hereby submits its Reply Comments on the Notice of Proposed Rulemaking released in the above-captioned proceeding on January 9, 1993 (the "Notice").

I. GENERAL

1. DMC designs, manufactures and markets advanced, high performance digital microwave radio equipment. Its products have the capacity to transmit and receive multiple DS1 and DS2, and single DS3 lines carrying voice, data and video signals. DMC is one of the world's largest suppliers of microwave equipment with customers that include common carriers seeking to offer a variety of digital transmission services to their customers, and private users and governmental agencies which build their own private short haul telecommunications networks. DMC is one of the largest exporters of U.S. made microwave equipment.

2. In its Comments filed on March 16, 1993, DMC urged the Commission to preserve at least 500 MHz of spectrum in the "28 GHz band" for common carrier and private point-to-point communications

services. This course is based on DMC's view that it is readily predictable there will be growth in the demand for support services for the cellular telephone service, personal communications services (PCS), as well as for other short haul, high capacity private communications requirements.

3. While the "28 GHz band" is unused now as indicated in the Notice at para. 5, it is, nevertheless, recognized as a growth band for short haul microwave systems. DMC recognizes the potential public interest benefits of Local Multipoint Distribution Services (LMDS). However, it is emphasized that in the foreseeable future there will be a growing use of short haul point-to-point microwave links in conjunction with the operation of cellular telephone systems and PCS. As both these services grow, the facilities used to support them will grow as well.

**II. A RELATIVELY SMALL PORTION OF THE "28 GHZ BAND"
SHOULD BE RESERVED FOR POINT-TO-POINT MICROWAVE
COMMUNICATIONS**

foreclose future use of another co-primary frequency allocation (in this case the Fixed Satellite Service). Attention is likewise called to the comments of the U.S. Telephone Association (USTA) at pages 4 and 5 stating the proposed rulemaking does not take into account the future spectrum needs of the fixed point-to-point microwave services. DMC concurs strongly with this view as well as with USTA's related observation that expansion of the fixed microwave services to the 28 GHz band "may happen sooner than expected."

6. The Commission is urged to bear in mind that the "28 GHz band" has long been allocated for Fixed use on a co-primary basis. Manufacturers (at least DMC) are planning product lines based on the availability of spectrum in the "28 GHz band". The objective is not to stymie LMDS but to retain some spectrum in the aforementioned band for use in the fixed microwave service.

III. INTERNATIONAL SPECTRUM ASPECTS SHOULD NOT BE OVERLOOKED

7. The "28 GHz band" is and has been allocated by the Radio Regulations of the International Telecommunications Union (ITU) for the Fixed, Fixed-Satellite, and Mobile services world-wide on a co-primary basis. As indicated by several of the Comments filed in this proceeding proponents of terrestrial fixed as well as the Satellite services have made plans based on these allocations. American manufacturers, DMC particularly, sells a substantial amount of equipment in the international market. World-wide spectrum allocations fosters competitiveness in those markets. It

would be imprudent for the Commission to foreclose the co-primary use of a band, i.e., the 28 GHz band, that is allocated on a world-wide basis.

8. DMC notes some of those filing Comments argue the Commission lacks sufficient technical information on "28 GHz band" technology to craft a regulatory structure for LMDS at this time. (Wireless Cable Asso, page 2). Others argue the Commission should not rush to reallocate the "28 GHz band" until the full impact of that action is fully evaluated (LORAL QUALCOMM Satellite Services). In connection with these arguments, DMC would point out the current allocation of the "28 GHz band" in the ITU Radio Regulations are based on the ability of the terrestrial fixed microwave and the Fixed-Satellite services to share spectrum on a co-primary basis. The sharing is further enhanced because the Fixed-Satellite allocation is for the earth to space service. The proposed introduction of LMDS creates new sharing problems that would be inconsistent with the existing international allocations.

IV. CONCLUSION

9. Noting the foregoing, DMC urges the Commission in the public interest (1) retain at least 500 MHz spectrum in the "28 GHz band" for use in the fixed point-to-point microwave services to support rapidly developing private PCS and cellular point-to-point

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requirements, and (2) foster an internationally competitive U.S. microwave manufacturing industry by not compromising spectrum now allocated on an international world-wide basis.

Respectfully submitted,

DIGITAL MICROWAVE CORPORATION

By Leonard Robert Raish
Leonard Robert Raish

Its Attorney

FLETCHER, HEALD & HILDRETH
1300 North 17th Street - 11th Floor
Rosslyn, Virginia 22209
Phone: (703) 812-0400

Dated: April 15, 1993